

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GAVIN RUDDER,

Plaintiff,

-v-

CHRISTIAN JIMENEZ,

Defendant.

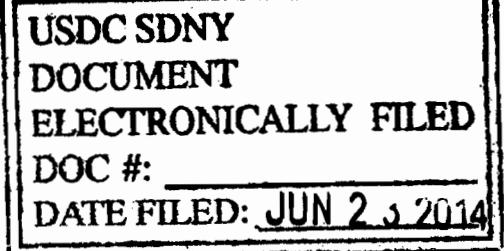
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ORDER

The Court has reviewed Magistrate Judge Cott's April 7, 2014, Report and Recommendation (the "Report"), which recommends that Defendant's motion to dismiss Plaintiff's amended complaint with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute be granted. Neither party filed objections to the Report.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2012). In a case such as this one, where neither party files timely objections to the magistrate judge's report and recommendation, a district court need only determine that the recommendation is not clearly erroneous or contrary to the law. Arista Records LLC v. Doe, 604 F.3d 110, 117 (2d Cir. 2010); see Fed. R. Civ. P. 72. The Court has carefully reviewed Magistrate Judge Cott's thorough Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Defendant's motion for dismiss with prejudice is granted.

The Clerk of the Court is respectfully requested to enter judgment accordingly and close this case.

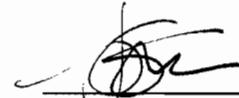


No. 11 Civ. 3453 (LTS)(JLC)

This Order resolves docket entry number 56.

SO ORDERED.

Dated: New York, New York  
June 23, 2014



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LAURA TAYLOR SWAIN  
United States District Judge

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